IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WA.No. 1155 of 2003(A)

AGAINST THE JUDGEMENT/ORDER IN OP.1328/1999 Dated 10/03/2003
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APPELLANT: PETITIONER:

DR.P. SHANAVAZ, ASST.PROFESSOR OF ORTHOPAEDICS, ORTHO-M-PHIL COURSE IN MEDICAL COLLEGE HOSPITAL, TRIVANDRUM.

BY ADV. SRI.R.S.KALKURA

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY ITS SECRETARY, DEPARTMENT OF HEALTH AND FAMILY WELFARE, GOVT. OF KERALA, THIRUVANANTHAPURAM.

2. DIRECTOR OF MEDICAL EDUCATION, TRIVANDRUM.

3. PRINCIPAL, MEDICAL COLLEGE, TRIVANDRUM.

4. DR.C.S. VIKRAMAN, ASST. PROFESSOR OF ORTHOPAEDICS, MEDICAL COLLEGE, TRIVANDRUM.

BY ADV. SRI.N.SUGATHAN
GOVERNMENT PLEADER SRI.BENNY GERVASIS FOR R1 TO R3

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.
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W.A NO. 1155 OF 2003
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Dated this the 20th day of June, 2007

J U D G M E N T

Radhakrishnan, J.

The original petition was preferred by the appellant herein aggrieved by refixation of his seniority as per Ext.P9. Petitioner joined duty on 22.7.1986 whereas the 4th respondent joined duty on 10.2.1986. As per proviso to Rule 27(c) of the Kerala State and Subordinate Services Rules, an appointee will be entitled to retain the seniority on the basis of date of advice only in case the appointee is undergoing course of study or training which is prescribed as essential qualification to the posts to which they are advised for appointment.

Petitioner in this case is not entitled to any exemption since P.G. Diploma Course in Anaesthesiology is not an essential qualification for any post in Orthopaedics. Further the mere fact that the appellant had submitted various representations for

extension of joining time, there was failure on the part of the authorities in disposing of the same, is of no consequence in the light of the statutory provisions. We find no reason to interfere with the view taken by the learned Single Judge. Hence this writ appeal is dismissed.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp